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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,292	03/23/2006	Hidemi Tsubaki	4670-0123PUS1	4936
2292 7590 01/10/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HAMILTON, CYNTHIA	
			ART UNIT	PAPER NUMBER
			1752	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/573,292

Applicant(s)

TSUBAKI ET AL.

Examiner

Cynthia Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/23/2006, 3/23/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/23/06, 6/23/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The examiner notes for the record that applicants did not supply an English abstract for JP 07-072795,B but supplied a machine English translation of the claims of this document. This examiner cites two English abstracts of JP 62-231248 A which is related to this document.

a. Derwent- Acc-No: 1987-324793, Nippon-Zeon KK Patent Family PUB No JP 62231248 A, dated October 9, 1987, two pages, English abstract

b. Patent Abstracts of JAPAN Publication number: 62:231248, Nippon Zeon Co LTD, 09 October 1987, two pages, English Abstract.

The examiner cites Morren et al (US 6,326,127) as an equivalent of JP 2002/534714 A cited by applicants. Tesler et al (6,037,101) is cited as English equivalent of JP 10-288838, Knoll (US 2002/0001775 A1) is cited as English equivalent of JP 2002/72457, Sakurai et al (6,025,098) is cited as English equivalent of JP 10-31303 a and Mayenez et al (EP 0 696 761 A1) is cited as an English equivalent of JP 8-69107 A. Equivalency is established by Search report cited by applicants.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawabuchi et al (5,075,377). With respect to instant claims 1-8, the Examples of Table 1 of Kawabuchi et al anticipate the instant block copolymer composition. The examiner notes that there is no disclosure for use in photosensitive flexographic plates in Kawabuchi et al, but since this is an intended use of the composition the body of the claim is seen by the examiner to fully and

intrinsically set forth all of the limitations of the claimed invention, rather than any distinct definition of any of the claimed invention's limitations and is of no significance to claim construction. *Pitney Bowes, Inc. v. Helwett-Packard Co.*, 182 F.3d 1298, 1305, 51 UAPQ2d 1161, 1165 (Fed. Cir. 1999). See also *Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) and MPEP 2111.02. Example 1 of Kawabuchi et al has a 2.5 number as required by instant claim 1 and example 5 has a 3 number falling between 2.5 and 3.8 inclusive as required.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by DuBois (2005/0137312) as of the effective filing date of the Provisional application No. 60/532,017 filed December 22, 2003. The effective filing date of the instant claims is 24 September 2004. No certified translation of applicants' foreign priority document is of record. With respect to instant claims 1-8, the composition set forth in the Abstract and as Polymer #5 as identified in [0066] is found present in Provisional application No. 60/532,017, thus, the polymer mixture making up the Polymer #5 as identified anticipates the instant composition of applicant's claims 1-8.

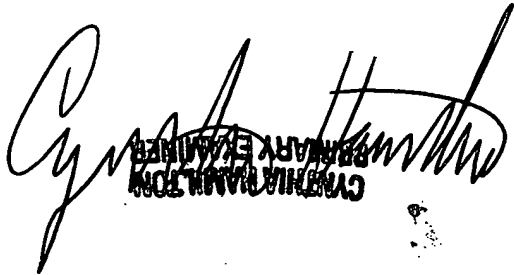
5. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Hamilton whose telephone number is 571-272-1331. The examiner can normally be reached on Monday through Friday 9:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571) 272-0729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Cynthia Hamilton', is written over a circular official stamp. The stamp contains the text 'CYNTHIA HAMILTON' and 'PRIMARY EXAMINER' in a circular arrangement.

Cynthia Hamilton
Primary Examiner
Art Unit 1752

January 7, 2007